

# Notice of Allowability

Application No.

10/086,695

Examiner

Vitali Korobov

Applicant(s)

SATO ET AL.

Art Unit

2155

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on 07/20/2006.
2. ☒ The allowed claim(s) is/are 1-15 and 17, renumbered as 1-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER

### **DETAILED ACTION**

1. This Office Action is in response to an RCE filed on 07/20/2006. Claims 1, 15 and 17 were amended. Claims 1-15, 17 and 18 have been examined in this Office Action.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. The Applicants' submission filed on 07/20/2006 has been entered.

### **EXAMINER'S AMENDMENT**

3. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the Applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. Authorization for this Examiner's amendment was given in a telephone interview with the Attorney for the Applicants Michael P. Stanley, Reg. No. 58,523 on September 21, 2006.

5. The application has been amended as follows:

**(A) In the Claims:**

1. (CURRENTLY AMENDED) A collaboration method effected through a peer-to-peer network, upon automatically taking part in a conference by clicking once, the method comprising:

    sending an electronic mail to a plurality of conferee peers, said electronic mail having a URL of a conference host peer described thereon;

    searching, to begin with, for a conferee peer at a shortest time location through communication tests from said conference host peer to distribute data to said conference peer at the shortest time location;

    informing, after distribution of data, remaining conferee peers that said data distributed conferee peer is a mirror of said conference host peer;

    searching a conferee peer at a shortest time location through communication tests from said conference host peer and from said mirror of said conference host peer to distribute data, wherein said searching a conferee peer comprises:

measuring a communication time wherein each of said plurality of conferee peers having received said electronic mail requests said conference host peer to distribute data and carry out communication tests;

measuring the communication time through communication tests for said plurality of conferee peers by said conference host peer having received material distribution requests from the plurality of conferee peers, retrieving the conferee peer giving the shortest communication time, transmitting the retrieved data, using the same as an own

Art Unit: 2155

mirror, and then, notifying the other conferee peers to whom the data has not as yet been distributed of said conferee peer serving as said mirror;

causing the conferee peers to whom the data has not as yet been distributed to advance a request for distribution of the data to said conference host peer and said conferee peer serving as said mirror, carrying out communication tests to measure the communication time, and requesting distribution of the data to said conferee host peer or said conferee peer serving as said mirror giving the shortest communication time;

informing the other conferee peers to whom the data has not yet been distributed of said conferee peer serving as the mirror, after transmitting the data to said requesting conferee peer to serve as his own mirror upon receipt of a data distribution request from a single conferee peer by said conference peer serving as the mirror;

notifying the other conferee peers to whom the data has not as yet been distributed of said conferee peer serving as the mirror after measuring a communication time through communication tests to a plurality of requesting conferee peers upon receipt of a data distribution request by said conferee peer serving as the mirror from a plurality of conferee peers, retrieving a conferee peer giving a shortest communication time and transmitting the data to deem the same as the own mirror; and

repeating said informing and notifying until completion of data transmission to all the conferee peers; and

repeating the above operations until completion of distribution.

Art Unit: 2155

15. (CURRENTLY AMENDED) A collaboration system effected through a peer-to-peer network, upon automatically taking part in a conference by clicking once, said system comprising:

a mail sending unit which sends an electronic mail to a plurality of conferee peers, said electronic mail having a URL of a conference host peer described thereon;

a data distribution unit which searches, to begin with, for a conferee peer at a shortest time location through communication tests from said conference host peer to distribution data to said conference peer at the shortest time location, informs, after distribution of data, remaining conferee peers that said data distributed conferee peer is a mirror of said conference host peer, searches a conferee peer at a shortest time location through communication tests from said conference host peer and from said mirror of said conference host peer to distribute data, wherein said searches a conferee peer comprises measuring a communication time wherein each of said plurality of conferee peers having received said electronic mail requests said conference host peer to distribute data and carry out communication tests, measuring the communication time through communication tests for said plurality of conferee peers by said conference host peer having received material distribution requests from the plurality of conferee peers, retrieving the conferee peer giving the shortest communication time, transmitting the retrieved data, using the same as an own mirror, and then, notifying the other conferee peers to whom the data has not as yet been distributed of said conferee peer serving as said mirror, causing the conferee peers to whom the data has not as yet been distributed to advance a request for distribution of the data to said conference host peer

Art Unit: 2155

and said conferee peer serving as said mirror, carrying out communication tests to measure the communication time, and requesting distribution of the data to said conferee host peer or said conferee peer serving as said mirror giving the shortest communication time, informing the other conferee peers to whom the data has not yet been distributed of said conferee peer serving as the mirror, after transmitting the data to said requesting conferee peer to serve as his own mirror upon receipt of a data distribution request from a single conferee peer by said conference peer serving as the mirror, notifying the other conferee peers to whom the data has not as yet been distributed of said conferee peer serving as the mirror after measuring a communication time through communication tests to a plurality of requesting conferee peers upon receipt of a data distribution request by said conferee peer serving as the mirror from a plurality of conferee peers, retrieving a conferee peer giving a shortest communication time and transmitting the data to deem the same as the own mirror, and repeating said informing and notifying until completion of data transmission to all the conferee peers, and repeats the above operations until completion of distribution.

17. (CURRENTLY AMENDED) A computer-readable recording medium having thereon stored a program for collaboration effected through a peer-to-peer network, upon automatically taking part in a conference by clicking one, the program allowing a computer to execute:

    sending an electronic mail to a plurality of conferee peers, said electronic mail having a URL of a conference host peer described thereon;

Art Unit: 2155

searching, to begin with, for a conferee peer at a shortest time location through communication tests from said conference host peer to distribute data to said conference peer at the shortest time location;

informing, after distribution of data, remaining conferee peers that said data distributed conferee peer is a mirror of said conference host peer;

searching a conferee peer at a shortest time location through communication tests from said conference host peer and from said mirror of said conference host peer to distribute data, wherein said searching a conferee peer comprises:

measuring a communication time wherein each of said plurality of conferee peers having received said electronic mail requests said conference host peer to distribute data and carry out communication tests;

measuring the communication time through communication tests for said plurality of conferee peers by said conference host peer having received material distribution requests from the plurality of conferee peers, retrieving the conferee peer giving the shortest communication time, transmitting the retrieved data, using the same as an own mirror, and then, notifying the other conferee peers to whom the data has not as yet been distributed of said conferee peer serving as said mirror;

causing the conferee peers to whom the data has not as yet been distributed to advance a request for distribution of the data to said conference host peer and said conferee peer serving as said mirror, carrying out communication tests to measure the communication time, and requesting distribution of the data to said conferee host peer or said conferee peer serving as said mirror giving the shortest communication time;

Art Unit: 2155

informing the other conferee peers to whom the data has not yet been distributed of said conferee peer serving as the mirror, after transmitting the data to said requesting conferee peer to serve as his own mirror upon receipt of a data distribution request from a single conferee peer by said conference peer serving as the mirror;

notifying the other conferee peers to whom the data has not as yet been distributed of said conferee peer serving as the mirror after measuring a communication time through communication tests to a plurality of requesting conferee peers upon receipt of a data distribution request by said conferee peer serving as the mirror from a plurality of conferee peers, retrieving a conferee peer giving a shortest communication time and transmitting the data to deem the same as the own mirror; and

repeating said informing and notifying until completion of data transmission to all the conferee peers; and

repeating the above operations until completion of distribution.

18. (CANCELLED).

### **REASONS FOR ALLOWANCE**

6. The following is the Examiner's statement of reasons for allowance:

Claims 1-15 and 17, renumbered as 1-16, with the foregoing amendments incorporated hereinto, are allowed over the prior art of record.

The Examiner has found that the prior art of record does not teach or suggest or render obvious the claimed limitations in combination with the proposed amendments



Art Unit: 2155

and specific added limitations as recited in independent claims and subsequent dependent claims.

This communication warrants no examiner's reason for allowance, as the Applicants' reply makes evident the reason for allowance, satisfying the record as whole as required by rule 37 CFR 1.104 (e). In this case, the substance of applicant's remarks in the Amendment filed on 20 July 2006 with respect to the amended claim limitations and further amended claim limitations in the Examiner's Amendment filed on 21 September 2006 point out the reason claims are patentable over the prior art of record. Thus, the reason for allowance is in all probability evident from the record and no statement for examiner's reason for allowance is necessary (see MPEP 13202.14).

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **CONTACT INFORMATION**

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov  
Examiner  
Art Unit 2155

VAK  
09/21/06

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER